

Underage Drinking in Nebraska

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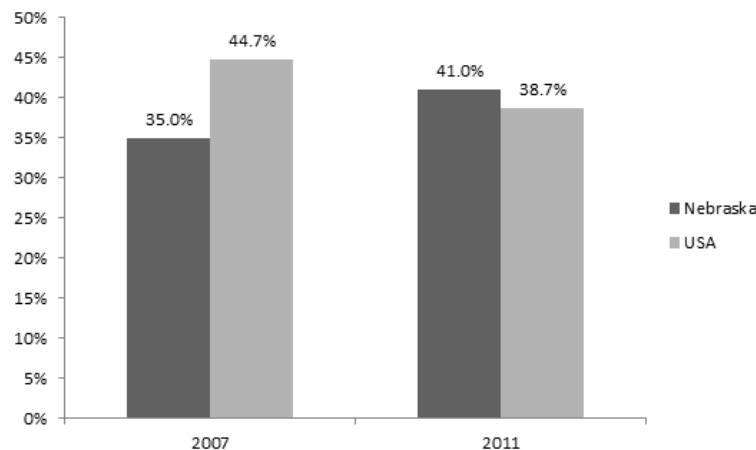
SUMMARY

This brief describes the prevalence of underage drinking in Nebraska and its associated outcomes, as well as state policies pertinent to underage drinking and evidence-based strategies that can prevent underage drinking. We defined underage drinking as alcohol consumption by persons younger than 21 years. Contrary to the national trend toward lower levels of underage drinking, Nebraska saw a 6% increase in underage drinking over 5 years (2007-2011). In 2010, Nebraska's underage drinking costs, including medical care, work loss, and pain and suffering, totaled more than an estimated \$423 million, which translates to a cost of \$2,309 per year for each youth in Nebraska or \$2.92 per drink. Underage customers buy about a quarter of all alcohol sold in Nebraska. In a ranking of states based on the alcohol percentage consumed by youth, with 1 being the highest, Nebraska ranked fifth. Nebraska policy makers should strongly consider the following state-level policies: increasing taxes on alcohol products, prohibiting youth exposure to alcohol advertising, limiting access to excessive drinking by maintaining limits on days of sale and hours of sale, maintaining and upholding the integrity of the minimum legal drinking age laws, and expanding dram shop liability laws. Cities should study innovative methods of regulating alcohol outlets that balance commerce and protection of citizens. Both local municipalities and the state government should ensure there are sufficient resources available to enforce existing and new underage drinking laws.

Prevalence of Underage Drinking in Nebraska

In 2007, the US Surgeon General declared that consumption of alcohol by individuals younger than 21 years is a major public health issue and a safety problem in the nation, causing serious personal, social, and economic consequences for individuals, families, and communities.¹ We compiled several sources of data to provide a snapshot of underage alcohol consumption in the state. We first examined the prevalence of underage drinking in Nebraska. From 2007 to 2011, underage drinking increased in Nebraska from 35% to 41% of youth (in grades 6, 8, 10, and 12), but decreased nationally by 6% (Exhibit 1).²

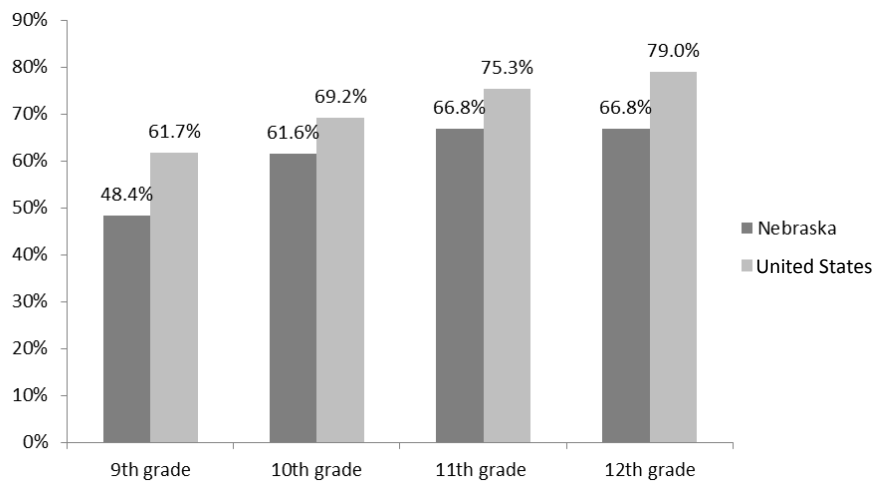
Exhibit 1. Percentage of Underage Drinking, Nebraska and the United States, 2007 and 2011



Source: Nebraska Department of Health and Human Services. *Five-year substance abuse prevention statewide strategic plan: 2013-2017*. Lincoln, NE: Nebraska Department of Health and Human Services, Division of Behavioral Health; 2012.

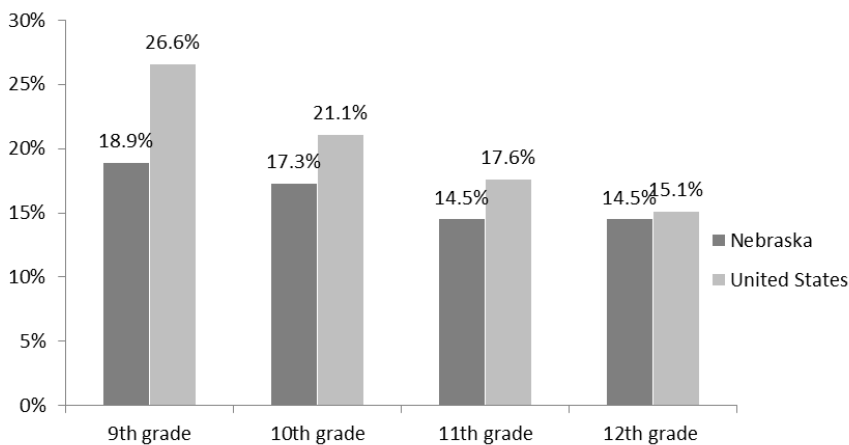
We then compared Nebraska youth behaviors related to alcohol with national survey results (Exhibits 2-6). In 2011, 66.8% of Nebraska’s 11th and 12th graders and nearly half of 9th graders reported that they drank alcohol at least once in their lifetime. About 19% of the state’s 9th graders and 14.5% of 11th and 12th graders reported their first drink of alcohol occurred before age 13. Nearly a third of 12th graders reported drinking at least one alcoholic beverage in the past year, which was significantly less than the national average (48%). About 1 in 5 (20%) 12th graders reported binge drinking (5+ alcoholic drinks within 2 hours), which was significantly less than the national average of 31.5%. More than 40% of Nebraska’s 11th graders reported that they usually obtained alcohol by someone giving it to them, but this dropped to under 30% by 12th grade.^{3,4}

Exhibit 2. Percentage of High School Students by Grade Who Have Had at Least One Drink of Alcohol in their Lifetime, Nebraska and the United States, 2011



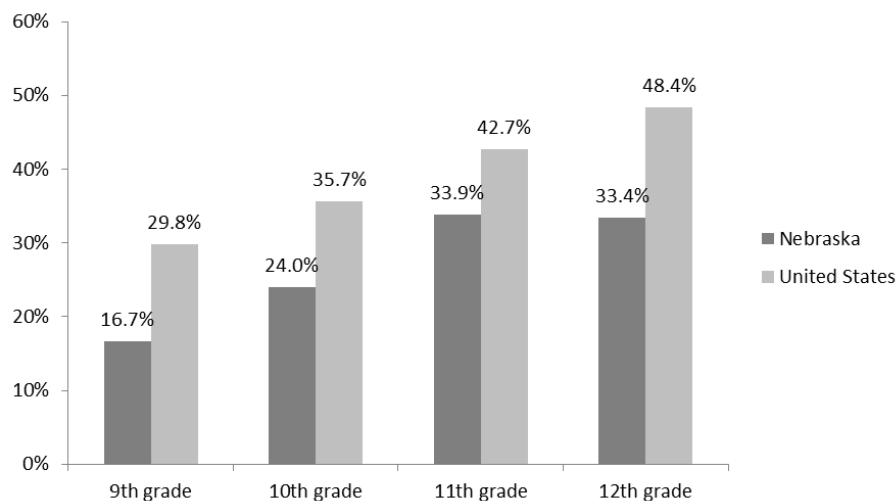
Source: Youth Online: High School Youth Risk Behavior Survey. United States 2011 Results. Atlanta, GA: Centers for Disease Control and Prevention; 2011.

Exhibit 3. Percentage of High School Students by Grade Who Drank Alcohol for the First Time before Age 13, Nebraska and the United States, 2011



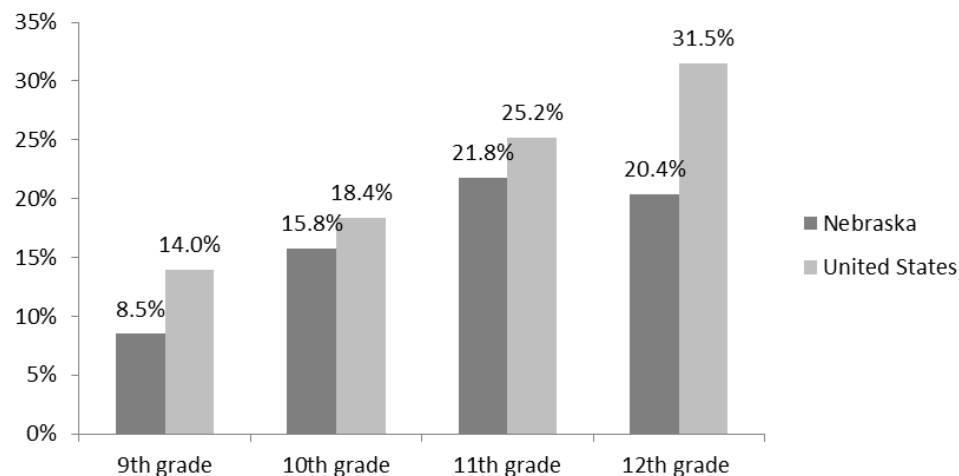
Source: Youth Online: High School Youth Risk Behavior Survey. United States 2011 Results. Atlanta, GA: Centers for Disease Control and Prevention; 2011.

Exhibit 4. Percentage of High School Students by Grade Who Had at Least One Drink of Alcohol at Least Once in the Past Year, Nebraska and the United States, 2011



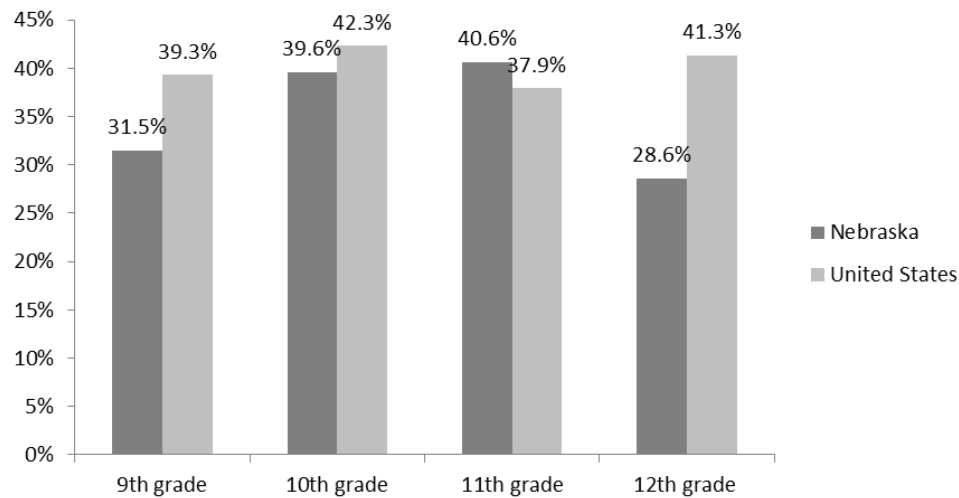
Source: Youth Online: High School Youth Risk Behavior Survey. United States 2011 Results. Atlanta, GA: Centers for Disease Control and Prevention; 2011.

Exhibit 5. Percentage of High School Students by Grade Who Had Five or More Drinks of Alcohol in a Row within Two Hours at Least Once in the Past Year, Nebraska and the United States, 2011



Source: Youth Online: High School Youth Risk Behavior Survey. United States 2011 Results. Atlanta, GA: Centers for Disease Control and Prevention; 2011.

Exhibit 6. Percentage of High School Students by Grade Who Usually Obtained Alcohol by Someone Giving it to Them, Nebraska and the United States, 2011



Source: Youth Online: High School Youth Risk Behavior Survey. United States 2011 Results. Atlanta, GA: Centers for Disease Control and Prevention; 2011.

Outcomes of Underage Drinking

Underage drinking takes a toll—personal, societal, and economic. In regard to drinking and driving, in 2011, 1 in 4 high school students reported either being a passenger in a vehicle that was driven by someone drinking, or driving a vehicle while or after drinking themselves during the past 30 days, and 6% reported doing both.⁴ In 2006, 7 in 10 substance abuse treatment admissions in Nebraska for all ages (70.9%) listed alcohol as the primary drug of choice.⁵

Nationally, alcohol is a contributing factor in nearly one-third of all fatal traffic accidents involving drivers aged 15 to 20 years, and each year, more than 4,300 people younger than 18 years are killed in car crashes while under the influence of alcohol.⁶ In addition, approximately 1 in 5 crimes where alcohol is a factor involve people aged 18 years or younger.⁵

The depth and breadth of alcohol-related harms in Nebraska is significant. The Pacific Institute for Research and Evaluation (PIRE) identified the following harms associated with underage drinking in Nebraska:⁷

- During 2009, an estimated 16 traffic fatalities and 667 nonfatal traffic injuries were attributable to driving after underage drinking.

- In 2009, an estimated 5 homicides; 4,300 nonfatal violent crimes such as rape, robbery and assault; and 10,000 property crimes, including burglary, larceny, and car theft, were attributable to underage drinking.
- In 2009, an estimated 268 teen pregnancies and 5,206 teens having risky sex were attributable to underage drinking.

PIRE has also quantified the monetary costs of underage drinking in Nebraska. In 2010, underage drinking costs, including medical care, work loss, and pain and suffering, totaled more than an estimated \$423 million. That total translates into a cost of \$2,309 per year for each youth in Nebraska or \$2.92 per drink. PIRE also estimates that the direct costs of underage drinking incurred through medical care and loss of work cost Nebraska \$175 million each year. Furthermore, in 2009, underage customers bought 25.6% of all alcohol sold in Nebraska. In a ranking of states based on the alcohol percentage consumed by youth, with 1 being the highest, Nebraska ranked fifth.⁷

Nebraska Policies related to Underage Drinking

Policies at the state and local level are the most important and effective strategies in reducing access to alcohol products for minors.⁸ Nebraska's current statutes and regulations specifically addressing underage drinking are shown in Exhibit 7.⁹

Exhibit 7. Nebraska Policies Related to Underage Drinking

Policy/Law	Statutory/Regulatory Requirements	State Statutes
Underage Possession of Alcohol	Possession is prohibited except in a parent/guardian's home. Persons who are at least 16 years old may carry alcohol from licensed establishments when they are accompanied by any person who is not a minor.	Neb. Rev. Stat. s. 53-103; Neb. Rev. Stat. s. 53-168.06; 2001 Neb. Laws 114; Neb. Rev. Stat. s. 53-180.02
Underage Consumption of Alcohol	Consumption is prohibited except in a parent/guardian's home.	Neb. Rev. Stat. s. 53-103; Neb. Rev. Stat. s. 53-168.06; 2001 Neb. Laws 114; Neb. Rev. Stat. s. 53-180.02
Internal Possession by Minors	Internal possession is not explicitly prohibited. Nebraska law provides that "...no minor may...consume, or have in his or her possession or physical control any alcoholic liquor...." "Consume" is defined as "knowingly and intentionally drinking or otherwise ingesting alcoholic liquor." Laws that prohibit minors from having alcohol in their bodies, but which do so without reference to a blood, breath, or urine test, are not considered by the Alcohol Policy Information System as prohibiting internal possession.	2001 Neb. Laws 114; Neb. Rev. Stat. s. 53-103; Neb. Rev. Stat. s. 53-180.02
Underage Purchase of Alcohol	Purchase by minors is prohibited.	Neb. Rev. Stat. s. 53-103; Neb. Rev. Stat. s. 53-180.01; 2001 Neb. Laws 114; Neb. Rev. Stat. s. 53-1,122
Furnishing Alcohol to Minors	Furnishing is prohibited with no exceptions.	Neb. Rev. Stat. s. 53-103; Neb. Rev. Stat. s. 53-168.06; Neb. Rev. Stat. s. 53-180
Minimum Ages for On-Premises Servers and Bartenders	Beer: 19 for both servers and bartenders. Wine: 19 for both servers and bartenders. Spirits: 19 for both servers and bartenders.	Neb. Rev. Stat. s. 53-168.06
Minimum Ages for Off-Premises Sellers	Beer: 19. Wine: 19. Spirits: 19.	Neb. Rev. Stat. s. 53-168.06
False Identification for Obtaining Alcohol	Provision(s) targeting minors: Use of a false ID to obtain alcohol is a criminal offense Provision(s) targeting suppliers: It is a criminal offense to manufacture or distribute a false ID. Provision(s) targeting retailers: State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards. Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older. Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.	Neb. Rev. Stat. s. 53-180.01; Neb. Rev. Stat. s. 53-180.05; Neb. Rev. Stat. s. 53-180.07; Neb. Rev. Stat. s. 60-4,119
Blood Alcohol Concentration (BAC) Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)	BAC limit: A BAC level above 0.02 is per se (conclusive) evidence of a violation. Applies to drivers under age 21.	Neb. Rev. Stat. s. 60-6,211.01
Retail Sales: Keg Registration	Keg definition: five or more gallons. Prohibited: Possessing an unregistered, unlabeled keg; maximum fine/jail: \$500/3 months. Destroying the label on a keg: maximum fine/jail: \$500/3 months. Purchaser information collected: Purchaser's name and address. Verified by a government-issued ID. Warning information to purchaser: passive—no purchaser action required. Deposit: not required. Provisions do not specifically address disposable kegs.	Neb. Admin. Code tit. 237, Ch. 6, s. 003; Neb. Rev. Stat. s. 28-106; Neb. Rev. Stat. s. 53-167.02; Neb. Rev. Stat. s. 53-180.04; 2007 Neb. Laws 573, §10; Neb. Rev. Stat. s. 53-167.03
Use/Lose: Driving Privileges	Type(s) of violation leading to driver's license suspension, revocation, or denial: Underage possession. Underage consumption. Use/lose penalties apply to minors under age 18. Authority to impose driver's license sanction: discretionary. Length of suspension/revocation: 30 days.	Neb. Rev. Stat. s. 53-181

Source: State Profiles of Underage Drinking Laws: Nebraska. Washington, DC: US Department of Health and Human Services, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Alcohol Policy Information System; 2012.

What Can Nebraska Do to Prevent Underage Drinking and Related Harms?

In Exhibit 8, we describe nationally recognized, evidenced-based strategies that have helped communities prevent underage drinking. For each strategy, we provide information on recent related actions in Nebraska.

Exhibit 8. Evidence-Based Strategies to Prevent Underage Drinking, and Actions in Nebraska

Evidence-Based Strategy	Actions in Nebraska
<p>Limit alcohol advertising. Alcohol companies, advertising companies, and commercial media should refrain from marketing practices that have substantial underage appeal.¹ Restrictions on alcohol advertising include any policies that limit advertising of alcoholic beverages, particularly advertising that exposes young people to alcohol messages. Restrictions can be in the form of a local ordinance or state law, or can be implemented voluntarily by a business, event, or organization and can include the following:¹⁰</p> <ul style="list-style-type: none">• Banning ads on buses, trains, kiosks, billboards, and supermarket carts, and in bus shelters, schools, and theme parks.• Banning or limiting advertising and sponsorship at community events such as festivals, parties, rodeos, concerts, and sporting events.• Banning advertising in areas surrounding schools, residential areas, faith organizations, etc.• Restricting or banning TV and/or radio alcohol commercials.• Restricting alcohol advertising in newspapers and/or on the Internet.• Countering alcohol ads with public service announcements.• Restricting the size and placement of window advertisements in liquor and convenience stores.• Requiring all alcohol ads in the local media to include warnings about the health risks of alcohol consumption.• Setting a maximum for the percentage of total advertising space that alcohol ads can cover.• Reducing the disproportionately high number of alcohol billboards in low-income neighborhoods.• Prohibiting images and statements that portray or encourage intoxication.• Enforcing existing restrictions on alcohol advertising.	<p>There are no known actions in Nebraska nor are there any planned actions regarding this strategy.</p>
<p>Limit alcohol access. The minimum drinking age laws of a state should prohibit the purchase or attempt to purchase, possession, and consumption of alcoholic beverages by persons under 21, and should also prohibit underage drinking in private clubs and establishments.¹¹</p>	<p>In 2010, the state expanded where alcohol could be consumed when a ban on wine, beer, and liquor in Nebraska State Parks was lifted (with the exception of Lake McConaughy near Ogallala). The lifting of the ban came over the objections of public health advocates, local city officials, and law enforcement.</p>

Exhibit 8 continues on page 7.

Exhibit 8. Evidence-Based Strategies to Prevent Underage Drinking, and Actions in Nebraska (continued)

Evidence-Based Strategy	Actions in Nebraska
<p>Maintain minimum legal drinking age (MLDA) law. Maintaining the MLDA involves supporting legislation that specifies an age below which the purchase and consumption of alcoholic beverages are not permitted. MLDA laws have been shown to reduce alcohol-related crashes and associated injuries among 18-to-20-year-old drivers. All states currently have an MLDA of 21 years.¹¹</p>	<p>In 2010, "Use and Lose" state legislation was passed to provide the loss of driving privileges for people aged 18 years and younger for minor in possession violations. The legislation left the discretion of imposing the penalty to the courts and does not address youth ages 19 and 20 in those circumstances.</p>
<p>Enact dram shop liability laws. Dram shop liability laws set out circumstances in which alcohol retail establishments may be held accountable for injuries or harms caused by underage or intoxicated customers who were served alcohol. Some states impose restrictions on dram shop liability by capping the amount of compensation allowed in suits, by increasing the evidence required to demonstrate responsibility, or by imposing statutes of limitation.¹¹</p>	<p>Nebraska passed a limited dram shop and social host liability law in 2007, creating civil recovery for providing alcohol for minors. However, Nebraska is one of only a handful of states that does not hold alcohol establishments and servers partly responsible for deaths or injuries caused by serving an intoxicated person aged 21 or older. More recently, in the 2009 and 2011 Nebraska legislative sessions, senators have introduced dram shop bills that would have made liquor-licensed establishments liable for injury or death caused by serving an intoxicated person. The bills, which had broad support, never got out of committee.</p>
<p>Increase alcohol taxes. Increases in alcohol taxes have been shown to reduce alcohol-related harms in addition to raising revenue. Alcohol taxes are implemented at the state and federal level, and are beverage-specific (i.e., they differ for beer, wine and spirits). These taxes are usually based on the amount of beverage purchased (not on the sales price), so their effects can erode over time due to inflation if they are not adjusted regularly.¹¹</p>	<p>In 2010, state legislators passed legislation with an emergency clause to classify alcopops (sweet, fruity alcohol-heavy beverages) as beer, as opposed to distilled spirits. In Nebraska, distilled spirits are taxed at a rate of \$3.75 per gallon, while beer is taxed at a rate of .31 per gallon.</p> <p>Nebraska increased the alcohol tax seven times during the 25 years between 1960 and 1985, but in the 25 years that followed rates were raised just once in 2003.</p>
<p>Maintain limits on days of sale and hours of sale. This strategy aims, in part, to prevent excessive alcohol consumption and related harms by regulating access to alcohol. Most day of sale policies target weekend days (usually Sundays), and they may apply either to alcohol outlets in which alcohol may be legally sold for the buyer to drink at the place of purchase (on-premises outlets, such as bars or restaurants) or to outlets in which alcohol may be sold for the buyer to drink elsewhere (off-premises outlets, such as liquor stores). Hours of sale policies may apply to either/both on- or off-premise alcohol outlets.¹¹</p>	<p>Nebraska gave communities in the state the option to extend bar/liquor retail closing times to 2 a.m. in 2010. Currently, more than 100 municipalities have passed ordinances that extend the hours of sale. Also, in 2012, Nebraska began allowing liquor sales before noon on Sundays. Previously, only beer and wine sales had been allowed.</p>
<p>Enhanced enforcement of laws prohibiting sales to minors. Enhanced enforcement programs initiate or increase the frequency of retailer compliance checks for laws against the sale of alcohol to minors in a community. Retailer compliance checks are conducted by, or coordinated with local law enforcement or alcohol beverage control agencies, and violators receive legal or administrative sanctions. Enhanced enforcement programs are often conducted as part of multicomponent, community-based efforts to reduce underage drinking. Many also include strategies to increase perceived risk of detection by publicizing the increased enforcement activities and cautioning proprietors against selling alcohol to minors. These messages can be delivered using either mass media or by sending letters to all local alcohol retailers.¹¹</p>	<p>In the Omaha metro area alone, with the implementation of multiagency, collaborative compliance checks since the late 1990s, the community has experienced a reduction of retail outlets selling alcohol to minors, from a high of 41% in 1997 to 5% in 2011, according to analysis compiled by Project Extra Mile. Nebraska's experience indicates this important enforcement tool is effective. Since 1997, over 7,500 licensed businesses have been checked by law enforcement across the state. These efforts have been conducted in coordination with Project Extra Mile and other partners across the state. Over the past 14 years, nearly 97% of the compliant businesses have checked and verified ID during compliance checks. Nebraska law enforcement partners have followed national research recommendations to maintain the deterrent effect by conducting alcohol compliance checks in waves, at least 2 or more per year, with targeted focus on repeat violators in previous operations.</p>

Exhibit 8 continues on page 8.

Exhibit 8. Evidence-Based Strategies to Prevent Underage Drinking, and Actions in Nebraska (continued)

Evidence-Based Strategy	Actions in Nebraska
Regulation of alcohol outlet density. Regulation of alcohol outlet density is defined as applying state, county, city, or other type of governmental control to reduce or limit the number of places that can legally sell alcohol within a given area. Regulation is often implemented through licensing or zoning processes. An alcohol outlet is a place where alcohol may be legally sold for the buyer to drink there or elsewhere. ¹¹	Liquor licenses in Nebraska have grown at a rate nearly twice that of the state's population during the past 20 years. In an effort to address the increase in alcohol outlet density and the related harms, the City of Omaha in 2012 passed an alcohol retail outlet ordinance that allows the city to use its land-use powers to address alcohol-sales establishments with business practices that endanger the public health, safety, and quality of life of residents. The effort has led to a case study published in the Community Anti-Drug Coalitions of America (CADCA) Strategizer 55, <i>Regulating Alcohol Outlet Density An Action Guide</i> , published in 2012. The case study highlighting the work was recently recognized by the Center on Alcohol Marketing and Youth at the Johns Hopkins School of Public Health in a report that documents the effectiveness of this strategy. ¹²

Regulating Alcohol Outlet Density

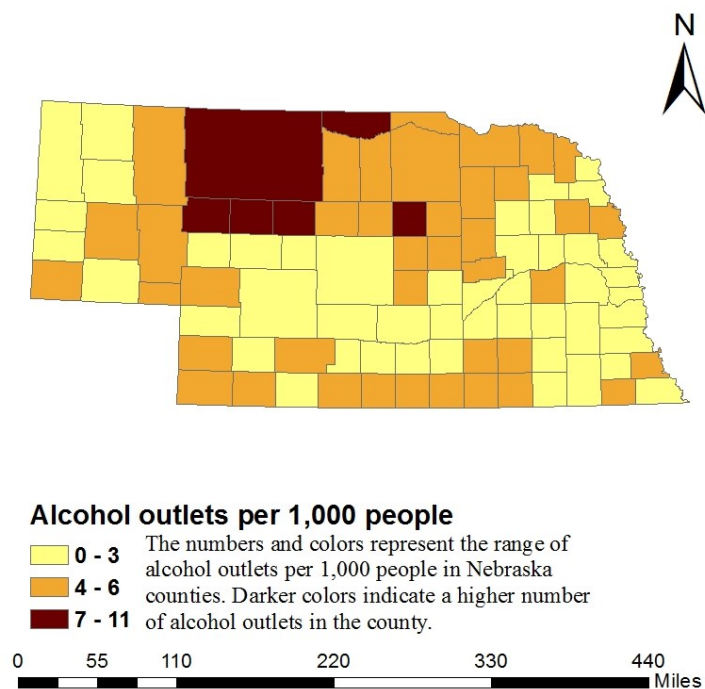
The following maps illustrate alcohol outlet density per capita in the state of Nebraska and in the Omaha and Lincoln metropolitan areas using data from the state and the US Census Bureau.¹³⁻¹⁵ This information may be useful in policy planning and study efforts.

Results

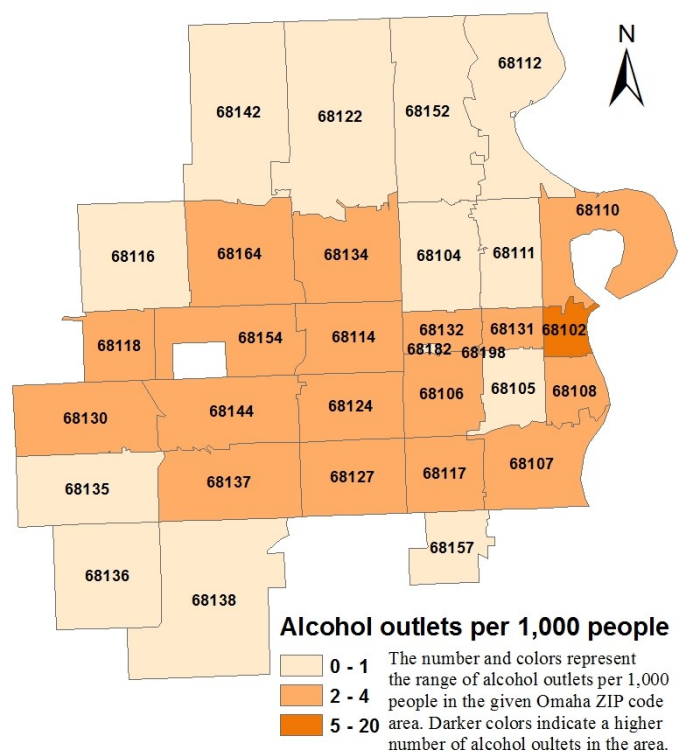
The Nebraska map of alcohol outlets illustrates that the Cherry (6.81), Keya Paha (8.71), Grant (11.1), Hooker (6.88), Thomas (10.4) and Garfield (6.98) counties have the highest concentration of alcohol outlets per 1,000 residents in Nebraska (Exhibit 9). These counties are indicated by the darkest colors on the map.

The Omaha map of alcohol outlets shows 68102 as the ZIP code area with the highest concentration of alcohol outlets, at 19.7 per 1,000 residents (Exhibit 10). The 68102 ZIP code is located within Douglas County and includes the following notable locations: the Old Market, TD Ameritrade Park, CenturyLink Center, Omaha Civic Auditorium and Convention Center, and Heartland of America Park.

The Lincoln map of alcohol outlets indicates 68508 as the ZIP code area with the highest concentration of alcohol outlets, at 8.98 per 1,000 residents (Exhibit 11). The 68508 ZIP code is located within Lancaster County and includes the following notable locations: the University of Nebraska-Lincoln, Haymarket Park, and the Nebraska State Capitol.

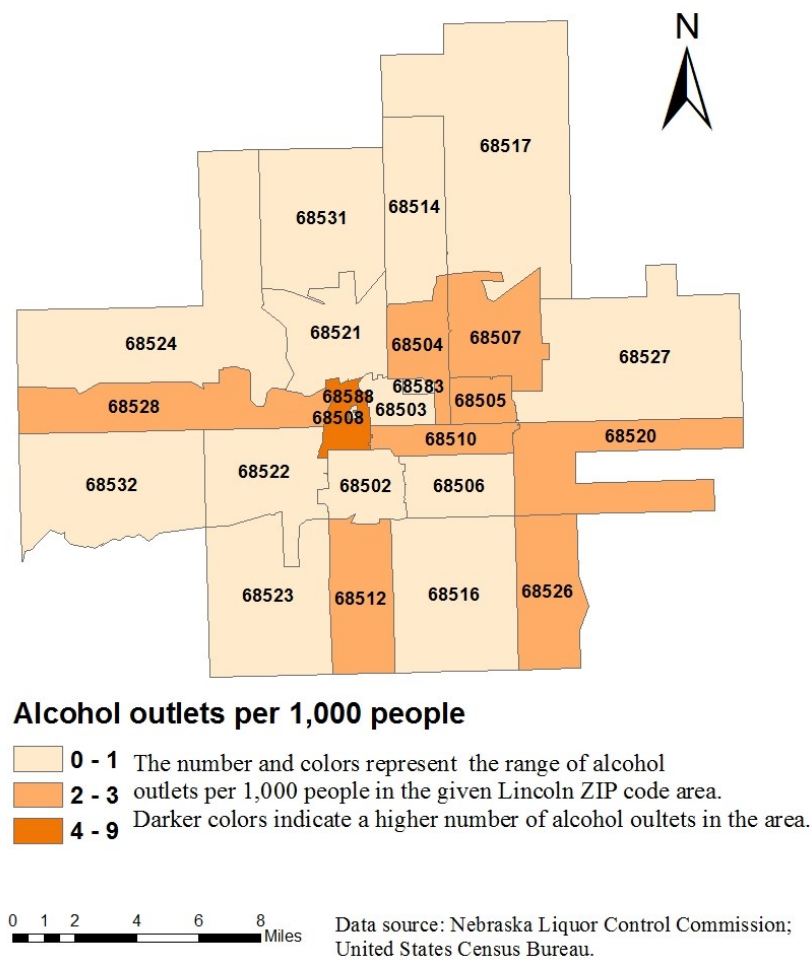
Exhibit 9. Alcohol Outlets, Nebraska, 2013

Data source: Nebraska Liquor Control Commission; United States Census Bureau.

Exhibit 10. Alcohol Outlets, Omaha, Nebraska, 2013

Data source: Nebraska Liquor Control Commission;
United States Census Bureau.

Exhibit 11. Alcohol Outlets, Lincoln, Nebraska, 2013



Conclusion

Underage drinking is a public health problem in Nebraska.¹⁶ Given the evidence on the prevalence of underage drinking and the associated harms and cost to the state, Nebraska could improve its policy effort by enacting evidence-based strategies and appropriating resources to effectively enforce those policies. Nebraska policy makers should strongly consider the following state-level policies: increasing taxes on alcohol products, prohibiting

youth exposure to alcohol advertising, limiting access to excessive drinking by maintaining limits on days of sale and hours of sale, maintaining and upholding the integrity of the minimum legal drinking age laws, and expanding dram shop liability laws. Cities should study innovative methods of regulating alcohol outlets that balance commerce and protection of citizens. Both local municipalities and the state government should ensure there are sufficient resources available to enforce existing and new underage drinking laws.

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Conflict of Interest

None.

Disclaimer

The views expressed herein are those of the authors and do not necessarily reflect the views of collaborating organizations or funders, or of the Regents of the University of Nebraska.

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